

REDACTED
VERSION OF
EXHIBIT 3
SOUGHT TO BE
FILED UNDER SEAL

HIGLY CONFIDENTIAL -- ATTORNEYS' EYES ONLY

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10 Attorneys for Defendant
Otto Trucking LLC

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 Waymo LLC,

16 Plaintiff,

17 v.

18 Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

19 Defendants.

Case No. 3:17-cv-00939

DEFENDANT OTTO TRUCKING LLC'S
OBJECTIONS AND SUPPLEMENTAL
RESPONSES TO PLAINTIFF WAYMO
LLC'S THIRD SET OF EXPEDITED
INTERROGATORIES

Trial Date: October 10, 2017

23 PROPOUNDING PARTY: Plaintiff: WAYMO LLC

24 RESPONDING PARTY: Defendant: OTTO TRUCKING LLC

25 SET NO.: Third Set of Expedited Interrogatories

1 Interrogatories were asked of, or statements contained herein were made by, a witness present and
 2 testifying in court, all of which objections and grounds are reserved and may be interposed at the
 3 time of trial.

4 **GENERAL OBJECTIONS**

5 1. Otto Trucking objects to each and every Interrogatory to the extent it seeks to impose
 6 obligations and demands upon Otto Trucking beyond those required by Federal Rules of Civil
 7 Procedure 26 and 33, and the applicable Local Civil Rules of the United States District Court for the
 8 Northern District of California (“Local Rules”).

9 2. Otto Trucking objects to each and every Interrogatory to the extent it seeks
 10 information protected from discovery by the attorney-client privilege, the work product doctrine, or
 11 any other privileges or reasons for non-production. Waymo’s discovery will not be construed to
 12 seek such information. Inadvertent disclosure of privileged information is not intended to be, and
 13 may not be construed as, a waiver of any applicable privilege or similar basis for non-disclosure.

14 3. Otto Trucking objects to these Interrogatories to the extent they seek information
 15 concerning matters or issues beyond the scope of the allegations in the Amended Complaint on the
 16 grounds that such discovery is overbroad, unduly burdensome, and neither relevant to any issue in
 17 this case nor reasonably calculated to lead to the discovery of admissible evidence.

18 4. Otto Trucking objects to each Interrogatory to the extent that it is unlimited in time
 19 and scope, especially in light of the expedited nature of the propounded Interrogatories.

20 5. Otto Trucking reserves all rights under the Rules of Civil Procedure to amend or
 21 supplement its responses as additional information is discovered.

22 **INTERROGATORY NO. 24:**

23 Identify the components of DEFENDANTS’ self-driving vehicles that LEVANDOWSKI
 24 contributed to.

25 **RESPONSE TO INTERROGATORY NO. 24:**

26 Otto Trucking incorporates each of its general objections by reference. Otto Trucking further
 27 objects to this Interrogatory as not “reasonably narrow” or relevant to its “trade secret

1 misappropriation claims only,” as required by the Court’s Order Granting in Part and Denying in
 2 Plaintiff’s Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking objects to the terms
 3 “components” and “contributed to” as vague and ambiguous.

4 Subject to and without waiving the foregoing objections, Otto Trucking responds as follows:
 5 Otto Trucking and its wholly owned subsidiary Otto Transport LLC own a number of trucks, some
 6 of which use self-driving technology from third parties other than Uber or Ottomotto. To the extent
 7 that Otto Trucking has made use of any self-driving vehicle technology, it has only used LiDAR
 8 products from Velodyne or Ibeo. To the best of Otto Trucking’s knowledge, Mr. Levandowski has
 9 not built hardware or software for self-driving vehicle technology used by Otto Trucking.

10 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 24:**

11 Otto Trucking incorporates as if fully restated herein its original objections and response to
 12 Interrogatory No. 24 and further states:

13 Otto Trucking is an entity that is entirely separate from Uber and Ottomotto. Otto Trucking
 14 is a limited liability company that has approximately one hundred members consisting of individuals
 15 and IRAs, and has two managing members, Lior Ron and Anthony Levandowski. Neither Uber nor
 16 Ottomotto is a member of Otto Trucking, and neither has any ownership interest in Otto Trucking.

17 [REDACTED] To the extent
 18 that this Interrogatory seeks information relating to Mr. Levandowski’s contributions to Uber or
 19 Ottomotto, Otto Trucking states that it does not have any information on Mr. Levandowski’s
 20 contributions to Uber or Ottomotto.

21 Otto Trucking also states that Mr. Levandowski has not contributed to any components of
 22 any self-driving vehicles leased by Otto Trucking or owned by Otto Transport LLC, Otto Trucking’s
 23 wholly owned subsidiary. Otto Trucking refers Waymo to OTTOTRUCKING00000085-114, the
 24 Framework Agreement, and OTTOTRUCKING00002523-2739, the Agreement and Plan of Merger,
 25 which explain the relationships between Otto Trucking and Defendants.

1 [REDACTED]
2 [REDACTED] Neither the Spider nor Fuji LiDAR systems, which are the systems
3 that Waymo alleges are the basis for Waymo's patent infringement and trade secrets claims, has ever
4 been installed on any of the Leased trucks.

5 [REDACTED] (the "Otto
6 Transport Trucks"). Otto Transport is the sole owner of these trucks. Otto Trucking does not own
7 any trucks. Aside from owning Otto Transport, Otto Trucking has no operations or employees.
8 Aside from owning the Otto Transport Trucks, Otto Transport has no operations or employees.

9 [REDACTED]
10 [REDACTED]
11 [REDACTED] The third truck does not have any LiDAR technology installed. Neither
12 the Spider nor Fuji LiDAR systems, which are the systems that Waymo alleges are the basis for
13 Waymo's patent infringement and trade secrets claims, has ever been installed on any Otto Transport
14 Trucks. [REDACTED]

15 [REDACTED] To Otto Trucking's and Otto Transport's knowledge, Anthony Levandowski was not involved
16 in the development of the [REDACTED] the installation of these systems on the Otto Transport
17 trucks, or testing of these systems.

18 In conclusion, Otto Trucking is not aware of any components of DEFENDANTS' self-
19 driving vehicles that Mr. Levandowski has contributed to.

20 **INTERROGATORY NO. 25:**

21 Identify the components of DEFENDANTS' self-driving vehicles that LEVANDOWSKI did
22 not contribute to.

23 **RESPONSE TO INTERROGATORY NO. 25:**

24 Otto Trucking incorporates each of its general objections by reference. Otto Trucking further
25 objects to this Interrogatory as not "reasonably narrow" or relevant to its "trade secret
26 misappropriation claims only," as required by the Court's Order Granting in Part and Denying in
27

1 Part Plaintiff's Motion for Provisional Relief. (Dkt. No. 464). Otto Trucking objects to the term
 2 "components" and "contribute to" as vague and ambiguous.

3 Subject to and without waiving the foregoing objections, Otto Trucking responds as follows:
 4 Subject to and without waiving the foregoing objections, Otto Trucking responds as follows: Otto
 5 Trucking and its wholly owned subsidiary Otto Transport LLC own a number of trucks, some of
 6 which use self-driving technology from third parties other than Uber or Ottomotto. To the extent
 7 that Otto Trucking has made use of any self-driving vehicle technology, it has only used LiDAR
 8 products from Velodyne and Ibeo. To the best of Otto Trucking's knowledge, Mr. Levandowski has
 9 not built hardware or software for self-driving vehicle technology used by Otto Trucking.

10 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 25:**

11 Otto Trucking incorporates as if fully restated herein its original objections and response to
 12 Interrogatory No. 25 and further states:

13 Otto Trucking is an entity that is entirely separate from Uber and Ottomotto. Otto Trucking
 14 is a limited liability company that has approximately one hundred members consisting of individuals
 15 and IRAs, and has two managing members, Lior Ron and Anthony Levandowski. Neither Uber nor
 16 Ottomotto is a member of Otto Trucking, and neither has any ownership interest in Otto Trucking.

17 [REDACTED] To the extent
 18 that this Interrogatory seeks information relating to Mr. Levandowski's contributions to Uber or
 19 Ottomotto, Otto Trucking states that it does not have any information on Mr. Levandowski's
 20 contributions to Uber or Ottomotto.

21 Otto Trucking also states that Mr. Levandowski has not contributed to any components of
 22 any self-driving vehicles leased by Otto Trucking or owned by Otto Transport LLC, Otto Trucking's
 23 wholly owned subsidiary. Otto Trucking refers Waymo to OTTOTRUCKING00000085-114, the
 24 Framework Agreement, and OTTOTRUCKING00002523-2739, the Agreement and Plan of Merger,
 25 which explain the relationships between Otto Trucking and Defendants. Otto Trucking further refers
 26 Waymo to its supplemental response to Interrogatory 24 above.

1 In conclusion, Otto Trucking is not aware of any components of DEFENDANTS' self-
2 driving vehicles that Mr. Levandowski has contributed to.

3 Dated: July 7, 2017

4 Respectfully submitted,

5 By: /s/ Neel Chatterjee

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15 *Attorneys for Defendant*
16 OTTO TRUCKING LLC

VERIFICATION

I, Rhian Morgan, declare that I have reviewed Otto Trucking LLC's OBJECTIONS AND SUPPLEMENTAL RESPONSES TO PLAINTIFF WAYMO, LLC'S THIRD SET OF EXPEDITED INTERROGATORIES and know its contents.

I am Corporate Secretary at Otto Trucking LLC, a party to this action, and am authorized to make this verification for and on its behalf. I am informed and believe and on that basis state that the responses provided therein are true and correct.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of July, 2017 in Alameda CA

Rhian Morgan
Corporate Secretary
Otto Trucking LLC